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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

USI INTERNATIONAL INC.,

Plaintiff,

V.

FESTO DIDACTIC INC.,

Defendant.

: Civil Action No. 3:15-CV-08451-MAS-TJB

DECLARATION OF RIZA I. DAGLI, ESQ. IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT

I, Riza I Dagli, Esq., declare under oath and penalty of perjury, as follows:

1. I am a Member of the law firm of Brach Eichler, LLC, attorneys for Plaintiff, USI International, Inc., in the above referenced matter. I have personal knowledge of the matters hereinafter set forth.
2. I make this Affidavit in support of Plaintiff's motion for leave to file an Amended Complaint.
3. A copy of the proposed Second Amended Complaint is annexed hereto as **Exhibit "A"**.
4. A redlined copy of the proposed Second Amended Complaint is annexed hereto as **Exhibit "B"**.
5. Since the filing of the lawsuit, through discovery and investigation, information has come to light requiring amendment of the complaint.

6. On November 22, 2019, Plaintiff filed a Motion for Leave to File an Second Amended Complaint. (See Doc. No. 62).

7. The Motion relied, in part, upon the Certification of Erika Levin which set forth that Plaintiff had newly discovered information regarding additional amounts added to Defendant's contract which would entitle Plaintiff to additional compensation.

8. Additionally, Plaintiff has discovered that additional products and services in connection with this transaction have been sold by Defendant to the MTC, including but not limited to an extended warranty, calibration and training and that the completion date for these additional products and services has yet to be determined.

9. Plaintiff previously provided Defendant with a copy of a proposed Second Amended Complaint addressing this issues and Defendant's counsel failed to consent to the filing of the same. (See Levin Cert., Doc. No. 62-1, ¶ 4).

10. On or around September 22, 2020, Plaintiff voluntarily withdrew the Motion for Leave to File an Amended Complaint pending before the Court.

11. On that same date, the Court entered a text order permitting Plaintiff to file a revised Motion for Leave to Amend by October 9, 2020. (See 9/22/2020 Text Minute Entry on Docket)

12. Consistent with that Order, Plaintiff is filing the within Motion.

13. Discovery in this matter is ongoing as the current date for completion of fact discovery is February 26, 2021. (See id.).

14. Based on the foregoing and for the reasons set forth in our Moving Brief, we respectfully request the Court grant Plaintiff's Motion for Leave to Amend the Complaint.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,

Dated: October 9 2020

s/ Riza I. Dagli
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